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Letter dated 10 April 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from India submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of India to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ricardo Alberto **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 20 March 2007 from the Permanent Representative of India to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In pursuance of the obligation of all Member States emanating from Security Council resolution 1624 (2005) to implement and report additional measures to combat terrorism, I have the honour to forward the fifth report of India in this regard (see enclosure). The report may also be read in continuation of the fourth report of India (S/2004/451) forwarded under cover of our letter of 28 May 2004, as mandated by resolution 1373 (2001).

(*Signed*) Nirupam **Sen**

Enclosure*

Fifth report of the Government of India to the Counter-Terrorism Committee

Introduction

India has always strongly condemned terrorism in all its forms and manifestations. We believe that there can be no justification whatsoever for any act of terrorism. The fight against terrorism has to be long term, sustained and comprehensive. As the threat of terrorism transcends national boundaries, it needs to be countered cooperatively by member states.

As a country which has unfortunately been at the receiving end of terrorism, India has both a strong national resolve as well as a well developed and specialized apparatus to fight this scourge. India has played a pro-active and constructive role in further strengthening counter-terrorism cooperation at various levels – bilateral, regional and international. India had presented a draft Comprehensive Convention on International Terrorism at the United Nations as far back as in 1996 and continues its engagement with other member states for an expeditious adoption of this Convention. India also made a positive contribution to the discussions leading to the adoption of a Global Counter-Terrorism Strategy by the UN General Assembly in September, 2006.

Government of India attaches utmost importance to the fulfillment of its obligations under the relevant counter-terrorism resolutions of the United Nations. India has been a firm and consistent supporter of the UN Security Council Resolution 1373 and the work of the Counter-Terrorism Committee(CTC). Since 2001, Government of India has submitted four National Reports to the CTC, which have attempted to give a comprehensive picture of steps taken by India to counter terrorism.

As in earlier reports, the compilation of Government of India's responses to the specific issues/questions raised by the CTC, in its 5th report, is based on extensive inter-ministerial and inter-agency consultations. A unique dimension to India's 5th report is the fact that it is being filed after the visit of a 14-member composite delegation of UN counter-terrorism experts, led by the Executive Director of the Counter-Terrorism Executive Directorate (CTED) and including representatives of CTED, Monitoring Team of UNSC's 1267 Committee, INTERPOL, UNODC and WCO, in November, 2006.

*Annexes are on file with the Secretariat and are available for consultation.

Besides having a first hand assessment of Government of India's fulfillment of its obligations under UNSC resolutions on counter-terrorism, especially 1373(2001) and 1267(1999), the visiting delegation got a detailed picture of the legal and policy framework as well as the elaborate and specialized machinery for counter-terrorism in India. The visit was also utilized by both sides for an extensive and mutually fruitful exchange of views on a wide range of issues related to counter-terrorism. The indepth discussions during the visit included practically all specific issues on which Government of India has given its responses in its 5th report to the CTC.

Specific issues/questions raised by CTC and GoI's responses

Implementation measures

1. Protection of the economic and financial system

1.1 In its 4th report, India states that its Financial Intelligence Unit (FIU) is in the process of being set up. The Committee would appreciate an update on this process. If the FIU has been established, is it independent, autonomous, adequately structured, funded, staffed and provided with sufficient technical and other resources to fully perform its authorized functions?

Response - The Financial Intelligence Unit-India (FIU-IND) has been set up as the central national agency under the Department of Revenue, Ministry of Finance, Government of India, w.e.f. 18.11.2005, with a view to coordinate and strengthen collection and sharing of financial intelligence through an effective national, regional and global network to combat money laundering and related crimes. The FIU-IND is an independent body reporting directly to Economic Intelligence Council (EIC) headed by the Finance Minister.

FIU-IND is headed by Director FIU-IND, an officer of the rank of Joint Secretary to the Government of India and is assisted by a highly trained technical group of financial experts, analysts and IT specialists. FIU-IND enjoys functional independence, autonomy and the necessary budgetary support to fully perform its authorized functions.

1.2 The Committee notes that wire transfer services must register with the Reserve Bank of India. How many currency remittance/wire transfer services are registered and/or licensed in your country? What are the penalties for failure to register or to obtain a license?

Response - As per the Money Service Transfer scheme of the Government, all the wire transfer service agencies are to be registered with the Reserve Bank of India.

A list of agency arrangements entered into by banks and financial institutions with overseas principals to undertake Inward Money Transfer Service is enclosed **(Annexure I).** RBI has granted permission to 10 overseas entities for tie-ups with 27 Indian Agencies under the Money Transfer Service Scheme (MTSS). Permission for MTSS is granted under Section 3 (c) of the Foreign Exchange Management Act 1999. Failure to register is liable to penalties applicable for violation of the provisions of the Act, which are covered in Chapter IV thereof.

1.3 How many formal and informal currency and asset remittance services do you believe exist, in addition to those that have registered or obtained licences? What measures are you taking to close down such operations?

Response: The so called informal services relate to illegal transfer of money through unofficial channels, commonly known as "hawala" transactions. Due to the very nature of such transactions which are all clandestine, it is not possible to indicate any number. The number of cases registered against them, however, can give an indication of the scale of their operations. In 2004, 224 such cases were registered by issuance of show cause notices by the concerned authorities, involving a sum of US$ 725 million.

These operations are illegal and are covered under Section 3 of Foreign Exchange Management Act(FEMA), 1999. The Directorate of Enforcement, which is the nodal agency to deal with these cases, has made some fresh proposals to Ministry of Finance for further strengthening the legal framework to deal with such cases.

1.4 The Committee is aware that draft rules under the PMLA are in the process of being finalised. It would be pleased to receive a progress report and, if possible, a copy of draft rules.

Response: The rules under the Prevention of Money Laundering Act have since been notified with effect from 1 July 2005. These rules are available at the website: http//finmin.nic.in/law/moneylaunderingrule.pdf. A copy of these rules is enclosed **(Annexure II).**

1.5 The Committee takes note of the fact that India has recently issued an enabling notification to facilitate implementation of Security Council Resolutions under its United Nations Security Act which is expected to further strengthen action against non-profit organizations operating under false pretences and thereby to help prevent the financing of terrorism. The Committee would appreciate further information on that and an explanation of how it will function.

Response: The United Nations (Security Council) Act, 1947 (43 of 1947) was enacted to enable the Central Government to implement the Security Council Resolutions adopted under Chapter VII of the Charter of the United Nations. Section 2 of the Act authorises the Central Government to adopt such measures as it may consider necessary to implement such resolutions. In order to implement the Security Council Resolution 1373 and other relevant resolutions adopted by the Security Council under Chapter VII of the Charter to combat international terrorism, the Central Government issued an Order entitled the "prevention and Suppression of terrorism (Implementation of Security Council Resolutions) Order 2004". This Order was further strengthened and was published in the Official Gazette on 23 March, 2006. A copy of the 2006 Order is enclosed at **Annexure III**. In pursuance of this order, the concerned agencies are notified to take necessary action against the listed entities and individuals as per the relevant domestic laws.

Non Governmental Organisations (NGOs) in India can be registered under the Societies Registration Act, Indian Trusts Act or the Charitable and Religious Endowments Act. Acceptance and utilization of foreign contributions by these organisations is governed by the Foreign Contribution (Regulation) Act, 1976. Associations working in cultural, economic, educational, religious or social fields can accept foreign contribution only after obtaining registration or prior permission under the Act. The Act contains, *inter alia,* provisions for monitoring the utilization of foreign contribution received by an association, inspection of its accounts and penal provisions for violation of the Act. The Foreign Contribution (Regulation) Rules, 1976

prescribe the documentation such as the application forms, annual returns and the manner of maintenance of accounts etc.

Monitoring of utilization of foreign contribution received by an association

Donations received by charitable organizations can be spent only for the stated purpose for which the donation was made or for any general purpose falling under the scope of the activities carried out by the organization. Every association registered under the Act or, granted prior permission to receive foreign contribution, is required to file an annual return, duly certified by a chartered accountant, with the Ministry of Home Affairs, intimating the receipt of foreign contribution during the year and the manner of its utilization. A "nil" return is also mandatory. This return forms the basis of the Annual Report on the Receipt of Foreign contribution by Voluntary Associations prepared by the Ministry of Home Affairs. This report is shared with state governments and intelligence agencies. In case of any violation or on receipt of a complaint against the association, the Central Government can order

(i) inspection of the accounts/ records of an association; or
(ii) audit of its books and accounts.

Based on the inspection report, penal action, if required, is taken against the association as per the penal provisions of the Act. These include:

Penal Provisions

The Act contains a number of provisions under which the Central Government can initiate action against an association, receiving foreign contribution, that is found indulging in activities that are likely to affect prejudicially,

i) the sovereignty and the integrity of India;
ii) public interest;
iii) freedom or fairness of election by Legislature;
iv) friendly relations with any foreign state; or
v) harmony between religious, racial, linguistic or regional groups, castes or communities.

The penal provisions include:

i) prohibiting the association from accepting foreign contribution
ii) placing the association in the prior permission category for accepting foreign contribution
iii) seizure and confiscation of any article or currency that is believed to have been acquired by the association in contravention of the provisions of the Act
iv) sanction of prosecution of an association for contravening the provisions of the Act
v) Imposition of a sentence of imprisonment with terms ranging from one year to five years, or with fine or with both.

The Income Tax Act prohibits the expenditure of funds by NGOs any where except for the stated purposes or may be invested in schedule banks, public deposits and bonds and government securities. The management of the organisation and as well as the auditors of such organisations are required to certify the nature of the grant or donations. The auditors are also required to certify that donations/grants are spent for the purpose for which they were received. The Income tax department after a thorough scrutiny of the accounts and balance sheet of the organisation, issues the income tax exemption certificate, which is required to be obtained by the organisation concerned every year.

Effectiveness of CT measures

1.6 Without compromising sensitive information, or ongoing investigations, the Committee would welcome information on India's use of the following:

- ***Investigation Techniques;***
- ***Tracking the funds of Criminal Groups; and***
- ***Intercepting Communications.***

Response: Agencies concerned with interdiction and investigation utilize all sources including HUMINT, TECHINT, OSINT etc. laid down in the existing laws and procedures within the framework of the rule of law. Further details are confidential in nature and cannot be shared.

Customs Controls

1.7 How does India implement the common standards for electronic reporting and for the promotion of supply chain security, established by the World Customs organizations (WCO) and the international standards established in the revised international convention on the simplification and harmonization of customs procedures (Kyoto Convention)?

Inputs: Electronic information forwarded by the Trade and Transport Departments is in line with the standards specified by the World Customs Organisation (WCO). Indian customs data elements have been mapped with reference to the WCO model. Data requirements are based on international specifications like International Civil Aviation Organisation, IMO-FAL etc. India has signed the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention), a WCO convention aimed at enhancing cooperation among Customs Administration of various countries to ensure supply chain security. As regards the implementation of the Standards of the revised International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention), India is a contracting party t the Convention and has accepted the General Annex and has in place legislation and procedures to cover these Standards.

1.8 Does India utilize advance Passenger Manifest Programme to verify the names of inbound passengers on international flights against CT databases before landing?

Response: India is in the process of implementing the Advance Passengers Information System (APIS). Under this system, airlines are required to provide information about the passengers on board to the Immigration Authorities in India. This information is to be furnished in prescribed format by electronic means within fifteen minutes of taking off of the aircraft from the destination. The APIS was implemented from July 1, 2006 on a pilot basis at the Indira Gandhi International (IGI) Airport, Delhi with data from Air India. Modalities are being worked out to implement it for all airlines from IGI Airport, Delhi. Subsequently, it will be extended to 22 major Immigration Check Points.

APIS is expected to enhance passenger profiling and utilise the resources in a focused manner on suspected passengers instead of concentrating on all passengers.

1.9 Does India have any immigration database systems or an integrated electronic Customs network?

Response: India has an Immigration data base system. Further details cannot be shared as the information is sensitive in nature. A Customs network consisting of high speed leased lines connecting 34 Customs locations has been set up. There is also a plan for creating a countrywide connectivity linking all Customs, Central Excise and Service tax locations.

1.10 Is India's system for the granting of Motor vehicle, business and other licenses integrated into its terrorism watch system?

Response: Under the existing system for grant of a motor vehicle license, applicants are required to furnish only a proof of residence. The GoI is contemplating an amendment to the Central Motor Vehicles Rules, 1989 which will enable it to seek details pertaining to nationality, along with a proof of legal presence in the country in respect of foreigners while granting a motor vehicle license.

The Companies Act, 1956, governs the incorporation of both limited and private companies. The Registrar of Companies has 20 offices in different parts of the country. For incorporation of companies, information that needs to be furnished includes name, Memorandum of Association, Articles of Association, List of Promoters and Proof of Identity of Promoters. Each Registrar of Companies allots CIN Number (Certificate of Incorporation Number) to a company incorporated in his jurisdiction. The Registrar of Companies conducts verification on the basis of the information furnished.

GoI is in the process of rendering the entire process simpler and more secure with on-line incorporation of Companies. The applicant would be required to file necessary information on-line to the Registrar of Companies which will also issue the Certificate of Incorporation Number (CIN). The CIN in this case, however, would be allotted by the system only. The system will also allocate a Director Identification Number (DIN), a number unique to an individual even if he/she is a director in more than one company.

1.11 The Committee is aware that India is developing a perspective plan for integrated infrastructure development of border areas and an action plan to strengthen coastal security. The Committee would welcome an update on the development of these plans.

Response: An Inter-Ministerial Task Force has been set up by the Government of India to further streamline the Border Area Development Programme (BADP). The Task Force has been entrusted with the responsibility of assessing/analyzing the design, planning and implementation of the BADP. It has held extensive discussions with the State and District authorities on issues related to border areas.

A plan to strengthen the security of the coastal areas by strengthening the infrastructure for patrolling and surveillance of the coastline has been formulated for implementation over a period of five years. The plan aims at enhancing the capabilities of the State Governments to police the coast including the coastal waters. It envisages setting up coastal police stations, outposts and check-posts in the coastal areas. The coastal police stations will be equipped with vehicles, vessels and equipment for mobility on coast and in waters close to the coast. The coastal police stations will have a marine police component with personnel trained by the Coast Guard in maritime functioning.

1.12 The Committee notes that India is committed to installing a risk management module based on all identifiable risk parameters at 23 of the Indian Customs Electronic Data Interchange System (ICES) locations by June 2004 and would appreciate a progress report.

Response: A Risk Management System was initially implemented in two major customs locations and its expansion to other major Customs centers has been taking place with a view to cover all major locations. As on September 22, 2006, Risk Management Systems (RMS) in Imports has been implemented at all ports/ air cargo complexes/ICDs in Mumbai, Chennai, Delhi, Bangalore and Kolkata. The RMS now covers 13 major Customs locations. 10 more locations are proposed to be covered by the RMS by March 2007.

Immigration Control

1.13 Does India maintain computerized immigration records and, if so, do they include data on asylum seekers? What measures have been taken to prevent such data from being shared accidentally with asylum seekers' countries of origin?

Response: India maintains computerized Immigration records, viz entry and exit of foreigners is recorded and stored in computerized form. India does not have a refugee law and is not a signatory to 1951 Geneva Convention and 1967 Protocol. Thus, there is no system of seeking or granting asylum to anybody in India following a legal procedure and therefore, the question of maintaining data on 'asylum seekers' does not arise. Data of a large number of registered Afghans, Tibetans, Myanmarese, Sudanis, Sri Lankans, Vietnamese and Stateless Refugees, etc., who are staying in India as refugees with Government permission is maintained separately. Several of these refugees carry on their efforts for settlement/asylum in a third country through UNHCR.

1.14 Are the locations of asylum seekers in India monitored? If so, is the compilation of information conducted at a local or national level? Is the information shared with the office of UNHCR pursuant to the GA resolution 428 (V)?

Response: As regards monitoring the locations and activities of asylum seekers in India, the activities of foreigners referred to in the previous para are monitored as per requirement. However, such information is not shared with UNHCR.

1.15 India has indicated that it has made every effort to ensure that suspected terrorists do not misuse the authorization of temporary stay on humanitarian grounds as a means to seek refuge in India. The Committee would be grateful to receive details of the measures taken in that regard.

Response: As far as immigration is concerned, India maintains a negative list of the suspected terrorists on the basis of inputs received from various agencies including the Interpol. The purpose is to prevent entry into/exit from the country and to monitor their movements.

1.16 India is in the process of issuing new identity documents. The Committee would be grateful to know what your country has done to improve the quality of its identification, travel and similar document in order to meet minimum international security standards aimed at making them impossible to duplicate, falsify or obtain fraudulently.

Response: India is a member of the Technical Advisory Group on Machine Readable Travel Documents (TAG-MRTD) of the International Civil Aviation Organisation (ICAO). India participated in the last meeting of TAG-MRTD of ICAO held at Montreal on 26-30 September 2005. Presently all travel documents are machine-readable and the security and data features conform to ICAO standards. All Passport Authorities in India started issuing Machine-readable Passports (MRPs) since 2001. The issuance of MRPs from Indian Missions abroad has already commenced and is likely to be achieved by March 2007. The photograph and signature of the applicant are scanned and printed on the passport booklet. The personal particulars and the Machine Readable Zone (MRZ) are also computer-printed which makes substitution of photograph and signature and tampering with the data extremely difficult; thereby considerably reducing instances of forgery and impersonation. Several security features have been incorporated in the travel documents:-(i) the Indian emblem has been incorporated on the cover material of the passport booklets in the form of Ultra Violet feature; (ii) the ink used on the visa pages is bi-fluorescent which glows in red colour under U.V. shortwave and blue colour under U.V. longwave; and, (iii) the thread used in passport booklets also has U.V. features.

1.17 Does India permit legal name changes without residency? If so, some form of positive identification such as fingerprinting or photographing, used to verify the applicant's identity prior to the name change?

Response: While applying for issue of any identification papers, a residency proof is required. The applicant has to provide his/her photograph and necessary documents for obtaining his/her identification papers. However, no fingerprinting system is maintained for verification of identity prior to name change.

1.18 Does India have technology and trained personnel at border locations to examine and detect forged, falsified or stolen documents? If not, is there a plan to provide this capability?

Response: India initiated a Comprehensive Modernisation Programme of Immigration Check Posts (ICPs) in 2004-5. The programme is likely to be completed shortly. Major components of this programme, including the status as of December 2006 are given below:

(i) **Upgradation of Computer Systems:** Computer systems upgraded at 19 Immigration Check Posts (ICPs). Action under progress at 12 ICPs.

(ii) **Installation of New Immigration Control System (ICS) software:** ICS software installed at 16 ICPs. Action under progress at 14 ICPs.

(iii) **Installation of Passport Reading Machines (PRMs):** PRMs installed at 15 ICPs. Action under progress at 11 ICPs.

(iv) Upgradation and networking of Central Foreigners Bureau (CFB) of Bureau of Immigration (BoI) with major ICPs is underway.

(v) A **Questionable Document Examiner (QDX)** machine to detect fraudulent/forged travel documents has been installed at Mumbai International airport. Action under progress at 28 ICPs.

The immigration personnel are imparted suitable induction training by the Bureau of Immigration. Long term refresher and sensitization courses are also held on various aspects of immigration including detection of forged, falsified and stolen documents.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 What measures does India have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Response: The Indian Parliament amended the Unlawful Activates (Prevention) Act, 1967 in 2004 (UAPA), by incorporating provisions to deal with all facets of terrorism including incitement to commit a terrorist act. Section 18 of the UAPA provides for imprisonment for a term not less than 5 years but which may extend to imprisonment for life and also liable to fine against any person who conspires or attempt to commit or advocates, abets, advises or incites or knowingly facilitates the commission of a terrorist act, or any act preparatory to the commission of a terrorist act. Further, the Act

also criminalizes raising of funds, holding proceeds of terrorism, harbouring of a terrorist etc. and provides for enhanced penalties to any person who, with the intent to aid any terrorist, attempts to contravene or abets or does any act preparatory to contravention of any provision of the Explosives Act, 1884 or the Explosive Substances Act, 1905 or the Inflammable Substances Act, 1952 or the Arms Act, or is in unauthorized possession of any bomb, dynamite or hazardous explosive substance or other lethal weapon or substance capable of mass destruction or biological or chemical substance of warfare.

2.2 ***What measures does India have to deny safe haven to any person with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?***

Response: India is a member of the Interpol. It has put in place extradition mechanisms with several countries and is signatory to all UN Conventions on anti-terrorism. India has entered into Mutual Legal Assistance Treaties (MLATs) in criminal matters to facilitate mutual assistance in investigation, prosecution, prevention of crime, serving summons and other judicial documents, execution of warrants and other judicial commissions and tracing, restraint, forfeiture or confiscation of proceeds and instruments of crime.

India has also established Joint Working Groups (JWGs) with a number of countries on counter-terrorism and agreements on co-operation in combating illicit trafficking or abuse of narcotic drugs and psychotropic drugs and substances.

As mentioned above, UAPA is a comprehensive law to deal with all facets of terrorism. Section 19 of UAPA provides punishment with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and also liable to fine if any person voluntarily harbours or conceals or attempts to harbour or conceal any person knowing that such person is terrorist. Further, this provision also applies in relation to a terrorist who has committed an act of terror in a foreign country in view of the fact that the definition of an act of terror in Section 15 of the UAPA is country central. Hence, India has an adequate legal framework to deny safe heaven to terrorists.

Paragraph 2

2.3 How does India cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Response: India has entered into several bilateral and multilateral mechanisms to cooperate with other States in curbing the scourge of terrorism. These include:

a) Joint Working Group on Counter Terrorism with BIMSTEC (includes Bangladesh, Bhutan, Myanmar, Nepal and Sri Lanka);
b) MoU with China;
c) Joint Working Group on Border issues with Bangladesh;
d) Indo-Bhutan Group on Border Management and Security issues; and
e) Bilateral Agreement with Myanmar for maintenance of peace and tranquility in border areas.

Paragraph 3

2.4 What International efforts is India participating or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religious and cultures?

Response: India is a nation inhabited by diverse cultural, religious and linguistic groups and has a long history of peaceful and harmonious existence in a multi-ethnic, multi-religious, multi-lingual and multi-cultural milieu. This has been possible only through a long heritage of dialogue and assimilation among people and myriad influences through the centuries. India believes that the process of encouraging the dialogue should also involve formulation of common approaches towards targeting eradication of poverty, working towards environmental sustainability, fostering national and international co-operation to reduce economic and social inequalities. The Government of India through its National Common Minimum Programme addresses issues such as elimination of disparities in access, empowerment of women and securing a rightful place for the disadvantaged and the minorities. Several measures

have been taken to boost the confidence of these sections and special efforts in a spirit of positive discrimination are being made to bring up the socio-economic and educational levels of these categories.

An International Conference on "**Dialogue Among Civilization – Quest for New Perspectives**" was held in New Delhi on 9-10 July 2003. It was attended by representatives from more than 80 countries.

Ms. Shobana Bhartia, Hon'ble Member of Parliament and Managing Director of the Hindustan Times, is member of the High-level Group of eminent persons established under the "Alliance of Civilizations" initiative (launched in July 2005) of the UN Secretary General.

The activities of Indian Council for Cultural Relations (ICCR) in the field of cultural exchange by the way of performing/non-performing art/exchange of distinguished personalities, exhibitions, seminars/symposia, provision of scholarship to foreign students, running of Cultural Centres abroad, publication etc. contribute to India's efforts to enhance dialogue and broaden understanding amongst civilizations. This is obviously a short illustrative list. The impeccable credentials of a country like India with a well known pluralistic ethos hardly needs to be overemphasised.

2.5 What steps is India taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Response: Since time immemorial, India has preserved a rich tradition of peaceful co-existence firmly established in tolerance and abhorrence of any kind of extremism and violence. Our founding fathers left no stone unturned to get these age old principles enshrined in our Constitution. Subsequently, adequate provisions were incorporated in the Constitution of India for protection of the rights and well being of the minorities and their institutions in the country. Apart from the right to equality before law, Articles 25 to 30 (Part III on Fundamental Rights) explicitly spell out various rights for its citizens including Minorities as enshrined in the Constitution and Part VI A on Fundamental Duties enjoin upon all its citizens to religiously adhere in letter and spirit to the provisions of the Constitution.

In order to effectively implement the various Constitutional and Legal provisions, the Government has put in place an institutional mechanism which encompasses an independent judiciary, a free media, separate independent bodies like the National Commission for Minorities and the National Human Rights Commission apart from Ministries at the Central level, like the Ministry of Home Affairs and the Ministry of Social Justice and Empowerment and likewise at the State level. Some of the other steps undertaken include upgradation and modernization of police infrastructure and training and also of intelligence gathering techniques, closely monitoring the activities of fundamentalist organizations and their leaders, setting up of peace and integration committees with fair representation of women, and evolving norms for harmonious celebration of festivals of different communities.

In addition to the above, the Government extends financial grants to voluntary organizations to promote national integration and communal harmony through their programmes and confers Communal Harmony Awards through National Foundation of Communal Harmony. The Ministry of Home Affairs has also instituted another award, known as 'Kabir Puraskar', to honour those citizens who display exemplary acts of physical and moral courage in saving the lives and properties of members of another community during communal riots. "Quami Ekta week" is also observed every year during the month of November.

Paragraph 4

*2.6 **What is India doing to ensure that any measures taken to implement paragraph 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?***

Response: The Indian legal system provides for sufficient checks and balances to ensure that measures taken to implement the steps laid down in the UN Security Council Resolution 1624 are in accordance with the relevant laws in force, the principles of natural justice and the process of law, principle of non-refoulement, presumption of innocence until proven guilty and other principles of international human rights law and international humanitarian law.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance.

3.2 The Committee notes with appreciation India's meeting with CTED, held on 1 November 2005 at India's initiative, and the detailed presentation on its counter-terrorism strategy that India made to the Committee on 2 November 2005. In particular, the Committee welcomes India's offer, during the presentation, to provide technical assistance in the field of counter-terrorism. As a follow-up to this offer, the Committee would like to receive information on areas in which India might be in a position to provide assistance to other States in relation to implementation of the resolutions.

Response: India has an elaborate, professional and experienced counter-terrorism machinery. In the framework of its Joint Working Groups (JWGs) with several countries, India is providing technical assistance in some cases and in general looks at proposals for capacity building positively. During the visit of a composite delegation of counter-terrorism experts at the UN led by Executive Director of CTED in November 2006, Government of India had made detailed presentations on a wide range of issues including the areas in which it can provide technical assistance to other Member States for implementation of the relevant UN Security Council resolutions. For example, India can offer assistance to other countries under the auspices of CTC in the following areas:

a) Training of immigration personnel in detection of forged, falsified or stolen documents
b) Technical assistance in computerization of immigration systems
c) Assistance in providing training of personnel involved in the implementation and enforcement of Anti Money Laundering and Terrorist Financing law in the following areas:
   (i) Establishment of Financial Intelligence Units;
   (ii) Analysis of intelligence related to Money Laundering and Terrorist Financing;

(iii) In the development of information and communication technology for building a comprehensive tool for analysis of Financial Information and other data relating to the above; and

(iv) Cooperation in any other mutually identified areas.

3.3 Furthermore, in light of the specific areas related to India's implementation of resolution 1373(2001) outlined in Section 1 of this letter, and based on India's reports to the Committee and on other relevant information available, the Committee, with assistance from the CTED experts, has conducted a preliminary analysis of the India's technical assistance needs in order to identify priority areas in which the Committee believes India may benefit from receiving technical assistance. With the agreement of and in cooperation with the Government of India, the aim is to identify the best possible way for India to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.

3.4 The analysis identified, on a preliminary basis, the following potential areas of assistance needs, with the understanding that further assessments may be necessary. The points below represent selected areas, amongst the areas referred to in the resolution, where assistance might be particularly useful:

- ***Training in terrorist financing investigation techniques;***
- ***Training in money laundering investigation techniques;***
- ***Training in border patrol and security investigation techniques;***
- ***Regulation of alternative currency transfer systems to ensure that they are not used for terrorist purposes; and***
- ***Regulation of charitable and non-profit organizations to ensure that they, and funds provided to them, are not used for terrorist purposes.***

Response: India has considerable expertise in the above mentioned areas at strategic, tactical and operational levels. While exchange of experience, workshops etc. are essential for keeping abreast of developments, India's requirements are peculiar to its own circumstances. As such, training areas can best be decided bilaterally and through agency-to-agency contacts, rather than through multi-lateral agencies to ensure focus

on specific aspects rather than generic sensitization where our expertise is already of international standards.

India has considerable expertise in the areas of terrorist financing & money laundering and as such does not require training for its officers in the Terrorist Financing Investigation Techniques. India also has bilateral arrangements with 25 countries, which provide inter-alia for capacity building particularly by sharing of experiences and exchange of information to bring the investigation capabilities on a common platform. The Border Guarding Forces such as BSF, ITBP, SSB and Coast Guards have their own captive training institutions and run specific courses for upgrading the capacity of their personnel.

As a further illustration, it may be stated that FIU-IND does not require any technical assistance for training and regulation. It has the inherent capacity to deal with various money laundering related issues including investigation techniques. It has been ensured that officers possessing substantial experience in financial transactions analyses and investigation of financial crimes form part of FIU-IND, who possess the desired capacity to give effect to the provisions of the Act.

In view of the foregoing, Government of India does not consider it necessary that the above list of areas identified by CTED is circulated amongst Member States.

3.5 The Committee would like to receive your country's approval to share the above-mentioned points with providers of technical assistance that may be in a position to provide assistance in these selected areas (other parts of this letter will not be shared). This would enable the Committee to facilitate the provision of technical assistance. The Committee would appreciate receiving your country's response no later than 30 days from the date of this letter. If your country's response is not received within that period, the Committee will assume that the points could be shared with the donor states and organizations. The actual provision of assistance will naturally be subject to the India's request and consent. The Committee would also welcome any comments India may have regarding this section(Section 3 on 'assistance and guidance')

Response: As already conveyed, Government of India does not consider it necessary to share the above-mentioned points with providers of technical assistance.

4. Further guidance and submission of future reports

4.1 The Committee wishes to maintain the constructive dialogue it has established with India concerning measures taken in implementation of the resolutions, particularly with regard to the areas identified in this letter as priorities. The Committee and its Executive Director stand ready to provide further clarification on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Elena Rigacci Hay (telephone : +1 212 457 1733; fax:+1 212 457 4041; email: cted@ un.org). The Committee, through its Executive Directorate , may also contact the competent authorities of your country in order to discuss any other matters related to the implementation of the resolutions.

4.2 The Committee would like to receive from India further information on the questions raised and comments made in Section 1 and 2 of this letter by 20 March 2006. It would also be grateful if India would provide an update on assistance received thus far, including whether such assistance has met or is expected to meet its needs in areas related to the resolutions. As with previous reports, it is the Committee's intention to circulate this further report as a document of the Security Council. It is open to India, if it so desires, to submit a confidential annex to the report for the attention of the Committee and its Executive Directorate alone.

4.3 At a future stage of its work, the Committee may have further comments or questions for India arising from other aspects of the resolutions. It would be grateful to be kept informed of any new developments regarding your country's implementation of the resolutions.

Response: CTC's observations under Section 4 have been overtaken by developments. Government of India accepted the visit of composite delegation of counter-terrorism experts in the UN in November 2006. which was led by the Executive Director of

CTED and comprised, besides CTED officials, representatives of the Monitoring Team of UNSC's 1267 Committee, INTERPOL, UNODC and WCO.

The visit provided a very useful opportunity to the UN counter-terrorism experts to obtain indepth information about India's legal and policy framework as well as its well developed machinery for counter-terrorism. Besides making a first hand assessment of Government of India's fulfillment of its obligations under the relevant Security Council resolutions on counter-terrorism, the visit was utilized by both sides to have a comprehensive and mutually beneficial exchange of views on a gamut of issues related to counter-terrorism.